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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
) MM Docket No. 96-192
BLUESTONE BROADCASTERS, INC.)
) File No. BR-950531ZF
For Renewal of License of)
WMTD(AM), Hinton, WV)

To: Honorable Richard L. Sippel
Administrative Law Judge

MOTION FOR LEAVE TO FILE SUPPLEMENT
and
SUPPLEMENT

BLUESTONE BROADCASTERS, INC., by counsel requests leave to file a Supplement to its heretofore filed Motion for Summary Decision, with the proposed Supplement tendered herewith and attached to the instant Motion.

The Supplement consists of:

(a) A copy of the Option agreement for lease of a new tower site for WMTD, referred to in Summary Decision Motion Attachment 2, with statement and certification of Bluestone's Lonnie R. Mullins;

(b) Request for Official Notice of, and copy of instrument, Construction Permit for WMTD's new site, BP-961112AC, and copy of Public Notice page listing the December 4, 1996 action. The then pendency of the application was specified in the Motion for Summary Decision and in the Mass Media Bureau's Comments thereon of December 2, 1996.

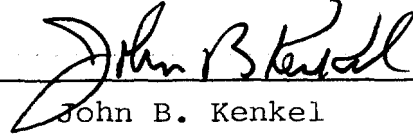
(c) To complete the updating as to Commission action on WMTD's requests, a copy of the Mass Media Bureau, Audio Services Division, letter order of December 5, 1996, noting the December 4, 1996 grant of BP-961112AC and dismissing as moot the theretofore requested special temporary authority.

The movant prays that the Supplement be accepted and utilized in this case.

No. of Copies rec'd 046
LIST A B C D E

The tendered Supplement is attached, labelled as such.^{1/}

Respectfully submitted,
BLUESTONE BROADCASTERS, INC.



John B. Kenkel
Its attorney

Kenkel and Associates
1901 L Street, NW #290
Washington, D.C. 20036

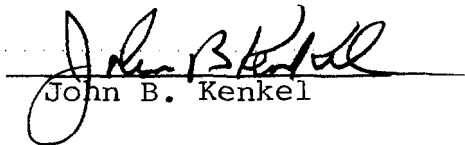
December 11, 1996

Certificate of Service

I certify that a true copy of the foregoing was on this
11th day of December, 1996 delivered to

Hon. Richard L. Sippel
Chambers, Room 220
2000 L Street, NW
Washington, D.C. 20554

Jacqueline Ellington, Esq.
Hearing Division, Mass Media Bureau
2025 M Street, NW Rm 7212
Washington, D.C. 20554



John B. Kenkel

1/ To accomplish filing today, fax copy of (a) utilized. Originally signed Mullins statement and certification to be filed when received by mail.

SUPPLEMENT

(a)

Bluestone Broadcasters, Inc.
95 Pleasant Street
Hinton, WV 25952
December 11, 1996

To: Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
Washington, D.C. 20554

As requested, Bluestone Broadcasters, Inc., is submitting a copy of the option agreement for lease of a new tower site, in support of our petition for license renewal of WMTD, Hinton, WV.

Should the date of the document need clarification, I submit the following:

The document was delivered to the home of Mr. and Mrs. Hinton, on or about November 7, 1996, with the understanding they would review it with their children before signing. On Monday, November 11, 1996, they telephoned to say they were satisfied and had actually signed the document. Therefore, in preparation of my statement of November 12, 1996, outlining steps taken to restore the station, I stated the tower site option had been executed. It was not until November 18, 1996, that I returned to the home of Mr. and Mrs. Hinton, along with a Notary Public to certify the acknowledgement of signatures. Noting that the date had been left blank, I simply inserted the 18th as the effective date.

I declare and certify the following three pages a true copy of the option to lease agreement, per section 1.16 FCC rules this 11th day of December, 1996.


Lonnie R. Mullins, President

O P T I O N

THIS OPTION, made this 18th day of November, 1996, by and between WYATT HINTON and VIRGINIA LEA HINTON, parties of the first part, and BLUESTONE BROADCASTERS, INC., a corporation, party of the second part.

W-I-T-N-E-S-S E-T-H:

THAT for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the party of the second part to the parties of the first part, and for other good and valuable consideration, the receipt of all of which is hereby acknowledged by the parties of the first part, the said parties of the first part do hereby grant, bargain, sell and convey unto the party of the second part, the exclusive right or option to lease for twenty (20) years at anytime ^{FOUR (4) PM} ~~in~~ (6) months from the date hereof a three (3) acre ^{FOUR (4) PM} ~~part~~ of land to be surveyed off in the intermin, said three (3) acres being a part of a five (5) acre tract acquired by the parties of the first part from C. H. Davis, single, by deed dated August 30, 1962, and recorded in the Office of the Clerk of the County Court of Summers County, West Virginia, in Deed Book 9th and 282, for the consideration of As Follows For Twenty Years (\$)

a year, payable as follows:

\$1200 First 5yr term \$1300 Second 5yr term, \$1400 Third 5yr term
\$1500 Fourth 5yr term provided the said party

of the second part, its heirs and assigns, shall within ^{FOUR (4) PM} ~~in~~ (6) months from the date hereof, notify in writing the said parties of the first part, their heirs or assigns, that it will take, accept and lease said property at the price and upon the terms aforesaid.

Time is the essence of this option, and if the party of the second part, its heirs and assigns, shall not notify the parties of the first part, their heirs and assigns, that it elects to take, accept and lease said property for said period at the price and upon the terms aforesaid, at or before the expiration of ^{FOUR (4) PM} ~~in~~ (6) months from the date hereof, then this agreement shall forthwith become null and void and of no effect.

WITNESS our hands and seals this day and year above written.

Wyatt K Hinton (SEAL)
 WYATT HINTON

Virginia Lea Hinton (SEAL)
 VIRGINIA LEA HINTON

Lonnie R. Mullins (SEAL)
 BLUESTONE BROADCASTERS, INC., by
 its President, LONNIE R. MULLINS

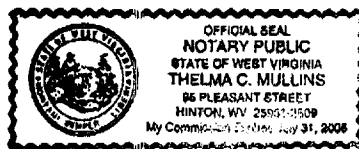
LPM
 U & H
 W.K.N.

STATE OF West VirginiaCOUNTY OF Summers, to-wit:

I, Thelma C. Mullins, a Notary Public within and for the County and State aforesaid, do hereby certify that WYATT HINTON and VIRGINIA LEA HINTON, whose names are signed to the foregoing Option, have this day personally appeared before me and acknowledged this to be their voluntary act and deed.

Given under my hand this the 18th day of November, 1996.

My commission expires on July 31, 2005.



Thelma C. Mullins
NOTARY PUBLIC

STATE OF West VirginiaCOUNTY OF Summers, to-wit:

I, Thelma C. Mullins, a Notary Public within and for the County and State aforesaid, do hereby certify that LONNIE R. MULLINS, who signed the name of BLUESTONE BROADCASTERS, INC., to the foregoing Option, has this day personally appeared before me and acknowledged this to be the voluntary act and deed of said corporation.

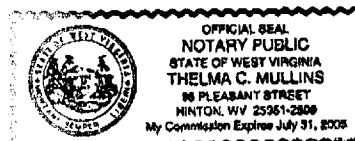
Given under my hand this the 18th day of November, 1996.

My commission expires on July 31, 2005.

Thelma C. Mullins
NOTARY PUBLIC

Prepared by:

PERRY E. MANN
Attorney at Law
P. O. Box 1416
Hinton, WV 25951



PERRY E. MANN
ATTORNEY-AT-LAW
100 BALLENGEE STREET
P.O. BOX 1413
HINTON, WEST VIRGINIA, 25951

November 4, 1996

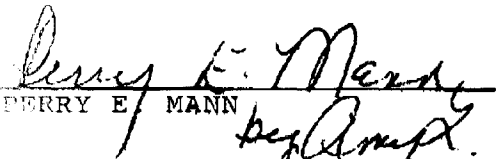
Bluestone Broadcasters, Inc.
Lonnie R. Mullins

STATEMENT OF SERVICE

Preparation of Option

\$ 45.00

Thank you.


PERRY E. MANN
by Amy L. Mann

AM BROADCAST STATION CONSTRUCTION PERMIT

1. Permittee:

Bluestone Broadcasters, Inc.

2. Station location : Hinton, WV
3. Transmitter location : 2,200 feet North of
Madams Creek Road
by cemetery
Hinton, WV

North Latitude : 37° 40' 58.5"
West Longitude : 80° 54' 53"
4. Main studio location :
(Listed only if not at transmitter site or not
within boundaries of principal community.)

Average hours of sunrise and sunset:
Standard Time (Non-Advanced)

Provided With Previous
Authorization

5. Remote control location :
6. Transmitter : Type accepted
(See Section 73.1660, 73.1665 and 73.1670 of the
Commission's Rules.)

7. Antenna and ground system: Vertical, guyed, series excited steel radiator of
uniform cross section 60 m (99.4°) in height (60.6 m Overall) Theoretical
efficiency: 311.8 mV/m/kW at 1 km. Ground system consists of 120 radials
54.8 m in length plus a 7.3 m by 7.3 m copper

8. Obstruction marking and lighting specifications: FCC Form 715, paragraphs: None required.
9. Operating Assignment

Frequency : 1380 kHz
Power-Night : ---
Day : 1.0 kw (Non-Directional)
Hours of Operation : Day
10. Conditions : Attached

11. Deadline for completion of construction and filing FCC Form 302: 18 months from the date of grant (shown below)

Subject to the provisions of the Communications Act of 1934, as amended, treaties, and Commission Rules, and further subject to conditions set forth in this permit, authority is hereby granted
to construct an AM broadcast station located and described as above.
Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission Rules.
This permit shall be forfeited if the station is ready for operation within the time specified or within such further time as the Commission may allow unless completion of the station is prevented
by causes not under the control of the permittee. See Section 73.3599 of the Commission's Rules.

EAL:rao

This construction permit consists of this page and page(s):

2

Dated

DEC 4 1996.

FEDERAL
COMMUNICATIONS
COMMISSION



File No: BP-961112AC

Call Sign: WMTD

THE AUTHORITY GRANTED IS SUBJECT TO THE FOLLOWING CONDITIONS:

Operation by remote control authorized.

Antenna obstruction markings not required.

Permittee shall install a type accepted transmitter, or submit application (FCC Form 301) along with data prescribed in Section 73.1660(b) should non-type accepted transmitter be proposed.

NOTE TO PERMITTEE

Notwithstanding the grant of this construction permit or the expiration date specified herein, your station's license will automatically expire as a matter of law on February 9, 1997 or upon twelve consecutive months of silence (whichever is later) if the station has not resumed broadcasting before that time. See Pub. Law No. 104-104, 110 Stat. 56, §403(1) (1996) and Order, Silent Station Authorizations, FCC 96-218 (released May 17, 1996) (Enclosed). See also Public Notice, Expedited Processing of Applications Filed By Silent Stations, DA 96-818 (May 22, 1996).

PUBLIC NOTICE 12/00/96

of 12/04/96, cont'd

SC BALH	-961015GE	WYAK-FM 103.1 MHZ	MULTI-MARKET RADIO OF MYRTLE BCH INC SURFSIDE BEACH, SC	APPLICATION GRANTED TO FM BROADCAST STATION VOLUNTARY ASSIGNMENT OF LICENSE FROM: MULTI-MARKET RADIO OF MYRTLE BEACH INC TO: PINNACLE SC, INC. (FORM 314)
SC BALH	-961015GF	WMYB 99.5 MHZ	MULTI-MARKET RADIO OF MYRTLE BCH INC SOCASTEE, SC	APPLICATION GRANTED TO FM BROADCAST STATION VOLUNTARY ASSIGNMENT OF LICENSE FROM: MULTI-MARKET RADIO OF MYRTLE BEACH INC TO: PINNACLE SC, INC. (FORM 314)
SC BPH	-961031JD	WRLQ 106.3 MHZ	THOMAS B. DANIELS LADSON, SC	APPLICATION GRANTED TO FM BROADCAST STATION REPLACEMENT OF (BPH-920928ML)
SD BPFT	-960429TJ	K212BH 90.3 MHZ	MOODY BIBLE INSTITUTE OF CHICAGO PIERRE, SD	APPLICATION GRANTED TO FM TRANSLATOR CP NEW STATION, PRIMARY STATION WGNR(FM) (ENGINEERING AMENDMENT FILED (BPFT-960614TB))
TN BPH	-960819ID	WHHM-FM 107.7 MHZ	CHESTER COUNTY B/CASTING COMPANY, IN HENDERSON, TN	APPLICATION GRANTED TO FM BROADCAST STATION MOD OF CP TO CHG HAAT, ERP AND CLASS
WV BAL	-961017GF	WKOY 1240 KHZ	COUNTRY BROADCASTING CORPORATION BLUEFIELD, WV	APPLICATION GRANTED TO AM BROADCAST STATION VOLUNTARY ASSIGNMENT OF LICENSE FROM: COUNTRY BROADCASTING CORPORATION TO: NEW ADVENTURE COMMUNICATIONS, INC. (FORM 314)
WV BP	-961112AC	WMTD 1380 KHZ	BLUESTONE BROADCASTERS, INC. HINTON, WV	APPLICATION GRANTED TO AM BROADCAST STATION CP TO CHNG TL & ANT. SYSTEM
WV BALH	-961017GG	WKMY 100.9 MHZ	COUNTRY BROADCASTING CORPORATION PRINCETON, WV	APPLICATION GRANTED TO FM BROADCAST STATION VOLUNTARY ASSIGNMENT OF LICENSE FROM: COUNTRY BROADCASTING CORPORATION TO: NEW ADVENTURE COMMUNICATIONS, INC. (FORM 314)

SUPPLEMENT
(c)

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
December 5, 1996

IN REPLY REFER TO
1800B2-DFL

John B. Kenkel, Esq.
Kenkel and Associates
1901 L Street, N.W.
Suite 290
Washington, D.C. 20036

In re: WMTD(AM), Hinton WV
Bluestone Broadcasters, Inc.
Special Temporary Authority (STA)

Dear Mr. Kenkel:

This is in reference to your letter dated November 12, 1996, accompanied by an engineering statement from John H. Battison, PE, requesting special temporary authority to operate WMTD with a temporary antenna to be located less than 0.5 miles from its licensed site so that it may return to the air. WMTD lost its licensed site and was granted authority by the Commission to remain silent on January 27, 1993, pursuant to 47 CFR § 73.1680.

On December 4, 1996, the Commission granted WMTD's application for construction permit for changes to the station's facilities. Therefore, WMTD may proceed with the modifications as authorized in construction permit BP-961112AC.

Accordingly, your request for special temporary authority IS HEREBY DISMISSED as moot. It is necessary that WMTD submit FCC Form 302, Application for License, upon completion of construction .

Sincerely,



Diane Ladson
Industry Analyst
Audio Services Division
Mass Media Bureau

cc: EIC, Baltimore
Bluestone Broadcasters, Inc.